

LUKAS, NACE, GUTIERREZ & SACHS

CHARTERED

1111 NINETEENTH STREET, N.W.
SUITE 1200
WASHINGTON, DC 20036
(202) 857-3500

**WRITER'S DIRECT DIAL
(202) 828-9475**

October 23, 2003

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-B204
Washington, DC 20554

**Re: Smith Bagley, Inc.
Near Reservation Lands
CC Docket No. 96-45**

Dear Madam Secretary:

In accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. Section 1.1206, we hereby provide you with notice of an oral *ex parte* presentation in connection with the above-captioned proceeding. On October 21, 2003, Richard Watkins, Brian Gilbert, M. Teresa Hopkins, and undersigned counsel met with William Maher, Carol Matthey, Eric Einhorn, Diane Law Hsu, Paul Garnett, and Narda Jones in the Wireline Competition Bureau. We have attached copies of materials provided at the meeting.

SBI urged the Commission to move forward on its pending rulemaking in the above-captioned proceeding to extend Tier 4 Lifeline benefits to near reservation lands. The company discussed its "50-50-50" proposal for determining eligibility. The company also requested that the Eastern Agency of the Navajo Reservation be specifically recognized as eligible for Tier 4 benefits at the earliest possible date because that Agency is legally a part of the Navajo Reservation even though the BIA has not formally designated it at this time as reservation land. To SBI's knowledge, all federal and tribal benefits are available to people living in the Eastern Agency, except for Tier 4 Lifeline and Link-up assistance.

Finally, the company urged prompt action on SBI's pending petition for ETC status in Utah so as to bring improved wireless service to people living on the Navajo Reservation in Utah at the earliest possible date.

Marlene H. Dortch, Secretary
October 23, 2003
Page 2

Sincerely,
/s/
David A. LaFuria
Counsel for Smith Bagley, Inc.

cc: William Maher, Esq.
Carol Matthey, Esq.
Eric Einhorn, Esq.
Diane Law Hsu, Esq.
Paul Garnett, Esq.
Narda Jones, Esq.